

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS, BARBARA PHILLIPS,
JAMES THOMAS, DAWN ZIMMERER,
L.E. JIBOL, UNITED CAMPUS WORKERS
SOUTHEAST LOCAL 3821, MADISYN
DONLEY, ALEXIS COBBS, KAREN
ADERER, FOSTERING LGBTQ+
ADVOCACY, RESOURCES,
ENVIRONMENTS AND WOMEN IN
SCIENCE AND ENGINEERING**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:25-cv-00417-HTW-LGI

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
MISSISSIPPI COMMUNITY COLLEGE
BOARD, MISSISSIPPI STATE BOARD OF
EDUCATION, MISSISSIPPI CHARTER
SCHOOL AUTHORIZER BOARD**

DEFENDANTS

STATE DEFENDANTS' MOTION TO DISMISS

State Defendants Board of Trustees of State Institutions of Higher Learning, Mississippi Community College Board, Mississippi State Board of Education, and Mississippi Charter School Authorizer Board (collectively “Defendants”), by and through counsel, pursuant to Rule 12(b)(1), *Federal Rules of Civil Procedure*, file this their motion to dismiss the Complaint for Injunctive and Declaratory Relief [ECF #1] filed against them by Plaintiffs, and in support thereof would show unto the Court the following:

1. Plaintiffs’ Complaint should be dismissed at the pleading stage because this lawsuit is barred by Eleventh Amendment sovereign immunity. All four of the named defendants in this case are arms of the State of Mississippi. As a matter of law, they cannot be sued in federal court.

2. Alternatively, Plaintiffs' Complaint should be dismissed for lack of Article III standing as to Defendants Mississippi Community College Board, Mississippi State Board of Education, and Mississippi Charter School Authorizer Board (collectively "the Non-IHL Defendants") because Plaintiffs cannot establish the requisite elements of traceability and redressability as to these defendants.

3. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of State Defendants' Motion to Dismiss*, being filed contemporaneously herewith.

4. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Plaintiffs' Complaint should be dismissed for lack of subject-matter jurisdiction pursuant to FED. R. CIV. P. 12(b)(1).

5. In further support of their motion, Defendants submit the following:

Exhibit A Miss. H.B. 1193 (2025 Regular Session)

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court make and enter its Order dismissing Plaintiffs' Complaint in its entirety for lack of subject-matter jurisdiction predicated on Eleventh Amendment sovereign immunity or, alternatively, dismissing Plaintiffs' claims against the Non-IHL Defendants for lack of Article III standing.

THIS the 23rd day of June, 2025.

Respectfully submitted,

BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
MISSISSIPPI COMMUNITY COLLEGE BOARD,
MISSISSIPPI STATE BOARD OF EDUCATION,
AND MISSISSIPPI CHARTER SCHOOL
AUTHORIZER BOARD, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
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Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
HIGHER LEARNING, MISSISSIPPI COMMUNITY COLLEGE BOARD, MISSISSIPPI
STATE BOARD OF EDUCATION, AND MISSISSIPPI CHARTER SCHOOL AUTHORIZER
BOARD

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and attorney for the above-named defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 23rd day of June, 2025.

s/Rex M. Shannon III
REX M. SHANNON III